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Attorneys for Defendants, Premier Orthopaedic and Sports Medicine Associates of Southern New Jersey, LLC, trading as Premier Orthopaedic Associates, Premier Orthopaedic Associates Surgical Center, LLC, and Kimberley Yvette Smith, M.D., a/k/a Kimberley Yvette Smith-Martin, M.D., Thomas Dwyer, M.D., Richard C. DiVerniero, M.D.

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
MASSACHUSETTS**

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| IN RE NEW ENGLAND COMPOUNDING PHARMACY, INC. PRODUCTS LIABILITY LITIGATION This document relates to: All New Jersey Cases | Docket No. 1:13-md-2419-RWZ MDL No. 02419 |
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Premier Defendants Assented-to Motion to Allow Master Answers

Defendants, Premier Orthopaedic and Sports Medicine Associates of Southern New Jersey, LLC, trading as Premier Orthopaedic Associates, Premier Orthopaedic Associates Surgical Center, LLC, and Kimberley Yvette Smith, M.D., a/k/a Kimberley Yvette Smith-Martin, M.D., Thomas Dwyer, M.D., Richard C. DiVerniero, M.D. ("The Premier Defendants") hereby move, with the assent of the Plaintiff's Steering Committee ("The PSC") to allow them to file master answers in representative cases in lieu of answers in each of the cases in which they have been sued.

In support of this motion, the Premier Defendants state the following:

1. The Premier Defendants are required under the Rules to file answers to each and every case that is filed against them.
2. The parties recognize that the administrative burden of answering in excess of 50 complaints exclusive of the master complaint is a heavy one.
3. The parties further recognize that the complaints either in long form or short form are substantially similar and contain essentially similar if not identical claims against these defendants.
4. The parties further recognize that some complaints name a few of the Premier Defendants, while very few of the complaints name all of the Premier Defendants.
5. The parties have conferred extensively on this issue and now agree that the Premier Defendants should file a Master Answer in response to the Master Complaint. Furthermore, the parties agree that the Premier Defendants should file an answer to a representative sample of cases, covering each named Premier Defendant.
6. The following is a chart outlining the appropriate, representative samples of cases, covering those Premier defendants in each short and long form complaints, to be filed in the individual dockets:

| Case Name | Complaint Form | Docket No. | Defendants | Plaintiff Attorney |
|------------------|-----------------------|---------------------|---|---------------------------|
| Morell | Long Form | 1:14-cv-13961 - RWZ | DiVerniero, Dwyer, POASNJ, ASC, Liberty, Unifirst, affiliated defendants, and all National Defendants | Coren |
| Chambers | Long Form | 1:14-cv-11822- RWZ | Shah, Smith, POASNJ, ASC, Affiliated Defendants, and all National Defendants | Hockfield/Kasher |
| Hannah | Short | 1:13-cv-10407 RWZ | Smith, SJH, Inspira, POASNJ, Unifirst, NECC, Affiliated defendants, Unifirst. | Barrett |
| Marko | Short | 1:13-cv-10404 RWZ | Smith, POASNJ, NECC, Dwyer, ASC, affiliated defendants, Unifirst | Barrett |
| Warfle | Long | 1:14-cv-13908 RWZ | Smith, POASNJ, ASC, Dwyer, Affiliated Defendants and all National Defendants | Barrett |
| Trout | Long | 1:14-cv-13954 - RWZ | Smith, POASNJ, Inspira, Affiliated Defendants and all National Defendants | Barrett |
| Pennington | Short | 1:13-cv-10406- RWZ | Perkins, POASNJ, ASC, Dwyer, Affiliated Defendants and all national Defendants | Barrett |
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7. In addition, the Premier Defendants will collectively file an answer to the Master Complaint, which will be filed in the master docket 1:13-md-02419.
8. The Premier Defendants do not waive any individual-based defenses to claims or allegations not made in the answered complaints that may apply to other cases, and reserve the right to file answers to other complaints as necessary to address other allegations, claims or causes of action that address individual issues in those cases. The Premier Defendants acknowledge that any attempt to amend or change defenses to claims or allegations in the cases it has agreed to answer will have to conform to Rule 15.

9. By filing answers in the above cases, Premier will not be required to file answers to any complaint currently pending, other than those agreed upon above.
10. By filing answers in the above cases, the Premier Defendants do not waive their right to, at a later date, file dispositive motions on case-specific issues in these suits or any other suits, including failure to comply with N.J.S. A. 2A:53A-1 and 2A:53A-27 et seq.

WHEREFORE, the Premier Defendants respectfully request, with the assent of the PSC, that the Court grant their motion and enter an order modifying their answer requirements as outlined herein.

Respectfully submitted,

Blumberg & Wolk, LLC

Attorneys for: Premier Orthopaedic and Sports Medicine Associates of Southern New Jersey, LLC, trading as Premier Orthopaedic Associates, Premier Orthopaedic Associates Surgical Center, LLC, and Kimberley Yvette Smith, M.D., a/k/a Kimberley Yvette Smith-Martin, M.D.

/s/Christopher M. Wolk

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CERTIFICATE OF SERVICE

This will certify that a true and accurate copy of the foregoing was served on all parties hereto by virtue of the Court's electronic filing system this 10 day of November, 2014.

Respectfully submitted,

Blumberg & Wolk, LLC

Attorneys for: Premier Orthopaedic and Sports Medicine Associates of Southern New Jersey, LLC, trading as Premier Orthopaedic Associates, Premier Orthopaedic Associates Surgical Center, LLC, and Kimberley Yvette Smith, M.D., a/k/a Kimberley Yvette Smith-Martin, M.D.

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